# Steere Declaration
# EXHIBIT 9

**MONTANA BOARD OF ENVIRONMENTAL REVIEW**

| | | |
|---|---|---|
| **IN THE MATTER OF:** | ) | |
| **APPEAL AMENDMENT AM4** | ) | |
| **WESTERN ENERGY** | ) | |
| **COMPANY, ROSEBUD STRIP** | ) | **CAUSE NO. BER 2016-03 SM** |
| **MINE AREA B** | ) | |
| **PERMIT NO. C1984003B** | ) | |
| | ) | |

**DECLARATION OF WADE STEERE IN SUPPORT OF RESPONDENT-INTERVENORS' OPPOSITION TO PETITIONERS' MOTION FOR SUMMARY JUDGMENT**

I, Wade Steere, PE, declare under the penalty of perjury as follows:

1. I, Wade Steere, am a Professional Engineer and currently hold the position of Environmental Engineer with Western Energy Company. I graduated with a Bachelor of Science in Civil Engineering from Utah State University in 2008. I have been employed by Western Energy Company since March 2011.

2. In my capacity as Environmental Engineer at Western Energy Company, I primarily design and implement hydrological control plans, design and construct sedimentation ponds, and produce and implement monitoring plans for surface and groundwater. In 2013, I became involved with the permitting process for AM4. In my capacity as a member of the permitting team, I produced analyses and plans to ensure the AM4 permit application satisfied regulatory requirements and addressed any of the Montana Department of Environmental Quality's concerns.

3. The Comprehensive Evaluation of Probable Hydrologic Consequences Areas A, B, and C ("PHC") submitted by Western Energy Company identifies spoils well WS-100 as having heightened concentrations of nitrate/nitrite that exceed the standards permitted by Montana Numeric Water Quality Standards Circular DEQ-7. *See* PHC Table 18. The WS-100 well is a

shallow well (total well depth of 27 feet) drilled in mine spoil which has been observed to exhibit changes due to surficial activities. For instance, water levels have been observed to rise and fall as a result of precipitation. This well is located in pastureland, next to one of the only shade trees in the pasture. As a result, and as evidenced by the photograph of WS-100 below, cattle tend to congregate near the well. Naturally, this is an area where we would expect manure and urine, which are high in nitrogen, from the congregating cattle. Increases in nitrogen in this area are therefore expected, and data I have seen are consistent with these facts on the ground.

Photograph of WS-100 (July 22, 2016)

4. Further, the sampling in question took place immediately after an extreme precipitation event and after record precipitation in 2011. Generally we would expect high levels of precipitation to be associated with higher levels of nitrate+nitrate in shallow groundwater near a place where cattle congregate. Since 2011, precipitation has been lower and samples from WS-

100 have showed decreasing levels of nitrate+nitrate. WS-100 was completed in spoils that occurred as a result of mining in the early 1970s.

5. As I understand it, Petitioners allege that previous mining dewatered Section 15. That is contradicted by my own observations. On July 13, 2016, I witnessed water flowing in Section 15. The following photographs, which I took on July 13, 2016, clearly show the presence of water.

Photograph 1

Photograph 2

Photograph 3


I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 22, 2016.

s/ Wade Steere
Wade Steere